

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KENNETH TAYLOR CURRY,

Plaintiff,

v.

VANCOUVER HOUSING  
AUTHORITY, et al.,

Defendants.

CASE NO. C16-5784-RBL

ORDER DENYING MOTION FOR  
APPOINTMENT OF COUNSEL

THIS MATTER is before the court on Plaintiff Curry's Motion for Court Appointed Counsel [Dkt. # 8]. Curry was granted *in forma pauperis* status, on his second attempt. His claim difficult-to-understand claim relates the Vancouver Housing authority's denial of a "housing voucher" to which Curry apparently claims he was entitled.

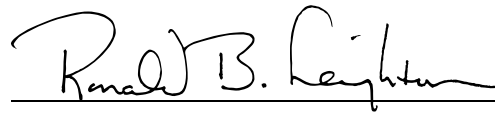
An indigent plaintiff in a civil case has no constitutional right to counsel unless he may lose his physical liberty if he loses the litigation. *See Lassiter v. Dept. of Social Servs.*, 452 U.S. 18, 25 (1981). However, under 28 U.S.C. § 1915(e)(1), the Court has discretion to appoint counsel for litigants who are proceeding *in forma pauperis*. *United States v. \$292,888.04 in U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995). The Court will appoint counsel only under "exceptional circumstances." *Id.*; *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

1 “A finding of exceptional circumstances requires an evaluation of both the likelihood of success  
2 on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the  
3 complexity of the legal issues involved.” *Wilborn*, 789 F.2d at 1331 (internal quotations  
4 omitted). These factors must be viewed together before reaching a decision on whether to  
5 appoint counsel under § 1915(e)(1). *Id.*

6 It is clear that Curry faces a challenge in articulating his claim. Through two complaints  
7 and the pending motion, it remains far from clear what he claims he was entitled to or why the  
8 denial was a violation of his civil rights. But it is also far from clear that the claim has any merit,  
9 or that he has any likelihood of success on it. There is nothing in the record indicating that this is  
10 an “exceptional case” warranting the appointment of an attorney at public expense. The motion  
11 for appointment of counsel is DENIED.

12 IT IS SO ORDERED.

13 Dated this 4<sup>th</sup> day of January, 2017.

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16 Ronald B. Leighton  
17 United States District Judge  
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